

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 14-4062cv

Caption [use short title]

Motion for: extension of time to file brief pursuant to Local Rule 27.1(f)Mariah Re Ltd.(In Liquidation) v. American Family Mutual Insuran

Set forth below precise, complete statement of relief sought:

Short extension of Defendants-Appellees' time to file response brief from January 21, 2015, to January 30 2015, extension of Plaintiff-Appellant's time to file initial brief from December 17, 2014, to December 19, 2014, and resetting of Plaintiff-Appellant's deadline to file reply brief from February 4, 2015, to February 13, 2015

MOVING PARTY: ISO Services, Inc., AIR Worldwide Corp., American Family Mutual Insurance Co.

<input type="checkbox"/> Plaintiff	<input checked="" type="checkbox"/> Defendant
<input type="checkbox"/> Appellant/Petitioner	<input checked="" type="checkbox"/> Appellee/Respondent

OPPOSING PARTY: Mariah Re Ltd. (In Liquidation)MOVING ATTORNEY: Joel M. Cohen

[name of attorney, with firm, address, phone number and e-mail]

Davis Polk & Wardwell LLP

450 Lexington Avenue, New York, New York 10017

(212) 450-4000; joel.cohen@davispolk.comOPPOSING ATTORNEY: Jonathan D. Cogan

Kobre & Kim LLP

800 Third Avenue, New York, New York 10022

(212) 488-1200; jonathan.cogan@kobrekim.comCourt-Judge/Agency appealed from: SDNY Dkt. No. 13-cv-4657; Hon. Richard J. Sullivan

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

 Yes No (explain): _____

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Yes	<input type="checkbox"/> No

Has request for relief been made below?

Has this relief been previously sought in this Court?

Requested return date and explanation of emergency: _____

Opposing counsel's position on motion:

 Unopposed Opposed Don't Know

Does opposing counsel intend to file a response:

 Yes No Don't Know

Is oral argument on motion requested?

 Yes No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

 Yes No If yes, enter date: _____

Signature of Moving Attorney:

/s/ Joel M. CohenDate: 12/01/2014Service by: CM/ECF Other [Attach proof of service]

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

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MARIAH RE LTD. (IN LIQUIDATION), :
acting by and through Geoffrey Varga and :
Jess Shakespeare, in their capacities as :
Liquidators thereof, :
: No. 14-4062
Plaintiff - Appellant, :
: APPEAL FROM THE
- against - : SOUTHERN DISTRICT OF
AMERICAN FAMILY MUTUAL : NEW YORK
INSURANCE CO., ISO SERVICES, INC. :
AND AIR WORLDWIDE CORP., :
Defendants - Appellees :
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**MOTION OF DEFENDANTS-APPELLEES PURSUANT TO LOCAL
RULE 27.1(f) TO EXTEND THE TIME TO FILE A BRIEF**

RULE 26.1 CORPORATE DISCLOSURE STATEMENT

In accordance with Local Rule 26.1 and Rule 26.1 of the Federal Rules of Appellate Procedure, Defendants-Appellees ISO Services, Inc. and AIR Worldwide Corp. state that they are wholly-owned, indirect subsidiaries of Verisk Analytics, Inc. Verisk Analytics, Inc. is a publicly traded company that has no parent corporation, and no publicly held corporation owns 10% or more of its stock.

In accordance with Local Rule 26.1 and Rule 26.1 of the Federal Rules of Appellate Procedure, Defendant-Appellee American Family Mutual Insurance Company states that it is a mutual insurance corporation and as such, has no parent.

Defendants-Appellees ISO Services, Inc. (“ISO”), AIR Worldwide Corp. (“AIR”), and American Family Mutual Insurance Company (“American Family”) respectfully move pursuant to Local Rule 27.1(f) for an order granting a very short extension of the time by which they must file their response brief in this case from January 21, 2015, to January 30, 2015, extending the deadline of Plaintiff-Appellant Mariah Re Ltd. (“Mariah”) to file its initial brief from December 17, 2014, to December 19, 2014, and resetting the deadline for Plaintiff-Appellant to file its reply brief from February 4, 2015, to February 13, 2015.

With the understanding that its deadlines will also be extended, Mariah consents to this motion.

GROUND FOR THE MOTION

This appeal was filed on October 29, 2014, and placed on the Court’s Expedited Appeals Calendar on November 12, 2014. Under Local Rule 31.2(b), the filing deadlines set by the Court require Mariah to submit its opening brief by December 17, 2014, and Defendants-Appellees to submit their response briefs by January 21, 2015.

Local Rule 27.1(f) permits a party to seek an extension of a briefing deadline under extraordinary circumstances. *See L.R. 27.1(f).* Defendants-Appellees respectfully submit that such circumstances exist here. The briefing schedule set by the Expedited Appeals Calendar will require Defendants-Appellees to begin

drafting their response brief during the period between December 17, 2014, and January 21, 2015, which encompasses the Hanukkah, Christmas, and New Year's holidays. Drafting a response brief during this period will be difficult and impose unnecessary hardship due to previously arranged family year-end holidays, which a short extension will avert. Defendants-Appellees accordingly respectfully request that the Court grant an extension of the time to file their response brief from January 21, 2015, to January 30, 2015.

Mariah has informed Defendants-Appellees that it consents to this motion on the understanding that the deadline for it to file its initial brief will be extended from December 17, 2014, to December 19, 2014, and that the deadline for it to file its reply brief will be reset from February 4, 2015, to February 13, 2015.

No prior motions have been made seeking the same or similar relief, and this motion is not presented for any improper purpose.

CONCLUSION

For the reasons stated above, Defendants-Appellees ISO, AIR, and American Family respectfully request that the Court grant the motion to extend the time to file Defendants-Appellees' response briefs in this appeal from January 21, 2015, to January 30, 2015, to extend Plaintiff-Appellant Mariah's deadline to file its initial brief from December 17, 2014 to December 19, 2014, and to reset the deadline for Mariah to file its reply brief from February 4, 2015, to February 13, 2015.

Dated: New York, New York
December 1, 2014

DAVIS POLK & WARDWELL LLP

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